

THE EARLY NORTHWEST

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ADDRESS BEFORE THE AMERICAN HISTORICAL ASSOCIATION, IN
WASHINGTON, DECEMBER 26, 1888

BY THE PRESIDENT

WILLIAM FREDERICK POOLE, LL.D.

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NEW YORK
The Knickerbocker Press
1889

With the Compliments of

W. F. POOLE.

at the end of 28 S. 43 Article 4

Article the sixth. There shall be neither Slavery
nor involuntary servitude ~~at~~ in the said Territory
otherwise than in punishment of crimes whereof the
party shall have been duly convicted — provided always
that any person escaping into the same from
whom labor ~~and~~ ^{or} service is lawfully claimed in any
one of the Original States, such fugitive may
be lawfully reclaimed and conveyed to the
person claiming his or her labor or service
as aforesaid —

THE
EARLY NORTHWEST

AN ADDRESS

BEFORE THE

AMERICAN HISTORICAL ASSOCIATION

AT ITS FIFTH ANNUAL MEETING, WASHINGTON, DECEMBER 26, 1888

BY THE PRESIDENT

WILLIAM FREDERICK POOLE, LL.D.

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Press of
G. P. PUTNAM'S SONS
New York

THE EARLY NORTHWEST.

By WILLIAM F. POOLE, LL.D., President of the Association.

It was the intention of the committee having the matter in charge to select, as the place of this meeting, some city in the Northwestern States, in view of the fact that this is the centennial year of the English settlement of that territory. Columbus, Ohio, was therefore chosen, and an early date in September was named. The preoccupation of Columbus at that date by centennial celebrations, army reunions, and political assemblies made it advisable to change the place of meeting to Washington, and the time to this later date. It was understood, however, that the scheme of topics originally proposed, in which, under the circumstances, the Northwest was likely to have a prominent place, would not be changed.

It is apparent to every intelligent observer that there is in our country an increasing interest in historical studies, and especially in the study of Western history. Perhaps the most marked indication of the fact is the number of young and scholarly persons who are turning their attention to the subject, and are writing monographs which are models of literary taste and of exhaustive historical research. The introduction into our leading universities of the method of studying history from original sources, and the appointment of trained and accomplished professors to superintend these studies, have done much to create and develop this awakened interest in history. At all events, the generous enlargement of the college curriculum and the production of such papers as have appeared in the "Historical and Political-Science Studies of the Johns Hop-

kins University," give emphasis to the fact that the fashion of writing American history which the public once seemed to enjoy—in which preconceived opinions, tradition, the imagination, and old text-books were served up with much rhetoric and fine writing,—has passed away.

The leading purpose of the historical student of our time is to ascertain what is the truth, and, having found it, to express it clearly, concisely, and fearlessly. Following his inquiries back to original sources, he is often amazed that so much of what has passed current as history and been copied from one writer to another, is erroneous. The best results of thorough and accurate investigation and scholarship have not yet been embodied in the general works known as "Histories of the United States." They are in special treatises, in monographs, and in the publications of historical societies and printing clubs. A "History of the United States" prepared on the principles which are taught in the historical departments of the Johns Hopkins University, of Cornell University and the University of Michigan, is the desideratum of our time. The materials for such a history are abundant and available, and the references to them in works like President Adams's "Manual of History" and Winsor's "Narrative and Critical History" will aid the student in his search for truth.

Such a history as we are considering will recognize the fact that a large and important portion of our common country lies west of the Alleghany Mountains, and that it has a varied, romantic, and entertaining record of its own, quite unlike that of the Eastern States. The general histories of the United States have been written by Eastern men, and few of their writers have been tall enough to look over the Appalachian range and see what has happened on the other side. The story of the Revolutionary War has often been told without a mention of the campaigns of George Rogers Clark, who, as a Virginia partisan and with an intelligence and valor which have not been surpassed in ancient or modern warfare, captured from the British the Northwestern Territory, and holding it until the peace of 1783,

secured to this Nation the Mississippi River and the great lakes as boundaries.¹ The Ordinance of 1787, if any mention be made of it, has often been despatched in about five lines. "The glory of the Northwest," said Senator Hoar, in his recent oration at Marietta, "is the Ordinance of 1787. It belongs with the Declaration of Independence and the Constitution. It is one of the three title-deeds of American constitutional liberty."

The Northwest has had its own annalists; the earliest being honest, unlettered men, who, without books or authentic documents, mingled much which was traditional and inaccurate with their otherwise truthful narratives. Nevertheless, such rough annals as Doddridge's Notes, Withers's Border Warfare, and Gov. Reynolds's "Pioneer History" and "My Own Times," cannot be spared. Scarcely any books of Northwestern origin and imprint appeared until the second quarter of the present century. Within this period, or earlier, several educated men came from the East and gave their attention to Western history: Caleb Atwater, Timothy Flint, James Hall, Jacob Burnet, Samuel P. Hildreth, James H. Perkins, and a few others.

It is not my intention to give a list of the early books on the Northwest, and much less of the later publications, which are many and valuable. My purpose is:

¹ "3. That, if a right to the said territory depended on the conquests of the British posts within it, the United States have already . . . by the success of their arms obtained possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British domination, and established civil government in its proper form over them." (Instructions of Congress to Mr. Jay, October, 1780, *Secret Journals of Congress*, II., 329.)

"From a full confidence that the Western territory now contended for lay within the United States, the British posts therein have been reduced by our citizens, and American government is now exercised within the same." (Report written by Mr. Madison entitled "Facts and Observations in support of the several Claims of the United States," *Secret Journals of Congress*, August, 1782, III., 199. N. Y. Hist. Collec., 1878, p. 139.)

"He [Vergennes] intended to resist the claim which the colonies had invariably advanced of pushing their frontiers as far west as the Mississippi, . . . and to leave the country north of the Ohio to England, as arranged by the Quebec Act of 1774." (Fitzmaurice's "Life of Earl Shelburne," II., 169.)

1. To suggest some points in Northwestern history which need to be investigated.
2. To consider the sources of, and facilities for, such investigation and how they may be improved.

For more than a century after the Northwest had been traversed by French explorers and traders, its history pertained to that of Canada. The voluminous writings of those explorers have been studied by many historians, but by none so thoroughly and critically as by Mr. Parkman; and the results are embodied in his charming series of books. His writings, scholarly, picturesque, and entertaining as they are, have not exhausted this field of research. On the other hand, they have imparted a new interest to the original authorities. The narratives of Champlain, Lescarbot, La Salle, Marquette, Tonty, and Hennepin, and the Relations of the Jesuits, were never read with so much interest as now, and they furnish abundant themes for fresh research.

How La Salle busied himself during the years 1669 and 1670, where he traveled, what he saw, and whether he then discovered the Ohio and Mississippi rivers, are questions still unsettled. There are early but questionable statements that he discovered the Mississippi river three years before it was seen by Joliet and Marquette, who supposed that they were the discoverers. He may have found the Ohio river, and followed it down to the falls at Louisville; but it is not probable that he reached the Mississippi river. The student will be fortunate who will clear up these uncertainties.

The name of Father Louis Hennepin has been clouded with the charge that he was a dreadful liar. Mr. Parkman has expressed the current opinion of him by saying: "His books have their value with all their enormous fabrications. Could he have contented himself with telling the truth, his name would have stood high as a bold and vigorous discoverer."

Father Hennepin's character in no other respect has been impeached; and while in America he bore the reputation

of a fearless, circumspect, and self-denying priest. When stationed in Canada he would start out in the depth of winter with a little chapel service on his back, and travel twenty or thirty leagues on snow-shoes, that he might baptize dying Indians and harden himself for his rough pioneer work. With two companions he explored, in 1680, the Mississippi river north from the mouth of the Illinois river, discovered and named the Falls of St. Anthony, and wrote the earliest book of travels in the Northwest. The general truthfulness of this book has never been questioned; and its popularity has exceeded that of all other contemporary publications relating to North America. May there not be some mistake in the severe judgment which has been passed upon the character of Father Hennepin? That there were falsehoods and frauds in later publications which bore his name is true; but what part of the culpability of those frauds, if any, rests upon him, is a question which needs a new and careful investigation.

He went back to France in 1681 or 1682, and never returned to America. He brought out his "Description de la Louisiane" in 1683. The book was translated into German, Dutch, and Italian, and six editions appeared during the next six years. No English translation, however, appeared until six years ago. English readers have therefore taken their views of Father Hennepin from the later publications, of which there were English translations, and of which I am about to speak.

If Father Hennepin's book-making had stopped in 1683, and, doubtless, if he had kept clear of unscrupulous book publishers, no charge of mendacity would have been brought against him. All his troubles and bad reputation grew out of the publication of two later books—the "Nouvelle Découverte," at Utrecht, in 1697, and the "Nouveau Voyage," at Utrecht, in 1698. The popularity of these two books exceeded that of the first publication. Of the former, eighteen editions appeared—eight in French, six in Dutch, two in German, and one in English. Of the latter, ten editions were issued, making in all thirty-five editions

of the three books which bore his name as author. The matter of the second book, the fraudulent portions excepted, was substantially the same as that of "Description of Louisiana," of 1683; but it was re-written, enlarged by narratives stolen from other writers, and amplified by fraudulent claims and absurd errors which no person who had visited the country would make.

The most idiotic claim in the edition of 1697 was, that the alleged writer, before ascending the Mississippi to the Falls of St. Anthony, descended the river to its mouth. For a description of the voyage there was inserted the pilfered details of one made by La Salle in 1681, written up by Father Membré, and printed in Le Clercq's "Etablissement de la Foi," in 1692. A voyage of 3,260 miles, half of it against the current, was a physical impossibility during the thirty days assigned to it. The fraud was detected in Europe as soon as the book appeared, and was a sort of mendacity which a person who was ignorant of the country would be likely to indulge in. In his first book, Hennepin spoke truthfully, and only of his voyage to the North.

The historical method of assigning responsibility is the charitable one of requiring evidence which has the semblance of proof; and especially when, as in this case, the probabilities of innocence are greater than those of guilt. Dr. Shea, in the preface of his translation of Hennepin's "Description of Louisiana," shows a strong presumption that Father Hennepin was not responsible for the fraudulent features of the two later publications.

Thirteen years after the issue of his first book, during which period he performed honorable clerical service, Hennepin proposed to issue another publication, in substance a second edition of his first book; and he prepared for it a personal account of his experiences since he returned from America, and some incidents in, and illustrations of, his Western travels not contained in his first publication. Whether the rewriting of the narrative, or of any part of it, was done by him is uncertain, and, on the whole, not probable. The earlier portion, by whomsoever rewritten,

was well done. Mr. Parkman says of it: "Fortunately, there are tests by which the earlier parts of his book can be tried; and, on the whole, they square exceedingly well with contemporary records of undoubted authenticity." In other words, the earlier parts of the book follow closely the narrative of the first publication. The fraudulent chapters come in later.

Hennepin sought for a publisher at Amsterdam, but without success. At this time, having suffered persecution from the French government which he ascribed to the enmity of La Salle, he had gained the friendship of William III. of England, and desired to return to his mission work in America under English auspices. He then applied to William Broedelet, bookseller, of Utrecht, with more success.

We know nothing of his arrangements with Broedelet; but the publisher probably took in the situation—that Hennepin was desperately in need of a publisher. Reprinting a book which had passed through seven editions was not a promising venture, even with some manuscript additions by its author, several pictorial illustrations and a new title-page. Could it not be re-written by another hand, enriched by other narratives, and all appear as the work of Father Louis Hennepin, the most popular annalist of the time on American affairs? Such thoughts may have occurred to the mind of the thrifty publisher. The priest was unversed in the pit-falls of the book trade; and with a liberal sum of money in hand was likely to sign any contract tendered him. If a contract between Father Louis Hennepin, Récollect missionary, and William Boedelet, bookseller, of Utrecht, Holland, could be found, it would doubtless prove to be that sort of a contract in which every right is given to the party of the second part, and nothing to the party of the first part. The race of merciless and unscrupulous book publishers, who have disappeared in our day, flourished two centuries ago.

Whatever might have been the terms of the agreement between Father Hennepin and his publisher, the book itself shows that it was tampered with after it was printed, by the

insertion of foreign matter printed on different type and in another office, which caused a duplication of the paging.

Some historians have made the further charge against Hennepin, that his first book was a plagiarism of a manuscript, "Relation des Découvertes," compiled from La Salle's letters. The explanation of this charge is simple. La Salle took Father Hennepin with him on his Western journey of exploration, in 1680, as his scribe and annalist. In the reports of the exploration which he sent home to France he embodied, as his own, the narrative written by his subordinate, as he had a right to do. The subordinate also had the right later to print his own narrative. That Hennepin was the writer, in instances where the two narratives are the same, appears from the fact that they describe events and side-excursions when La Salle was not present and Hennepin was.¹

The different orders of the clergy in Canada were then in constant quarrels. Hennepin, a Récollet, had no favor in the eyes of Jesuits. La Salle hated the Jesuits, and had the propensity to wrangle with and make himself obnoxious to everybody except his savage retinue. His letters and those of the clergy abound in charges of falsehood and trickery, in backbiting and all uncharitableness. Hennepin did not escape this fusilade of personal bickering; and yet his own narrative, as first published, is singularly free from reflections upon the conduct of others.

To some young and enthusiastic investigator, the literary and personal history of Father Hennepin will afford an

¹ The third publication bearing the name of Father Hennepin, the "Nouveau Voyage," printed at Utrecht, in 1698, is made up from Father Le Clercq's book, and the "Manners and Mode of Life of the Indians" contained in Hennepin's first publication. It has a most extraordinary preface which scores the critics of Hennepin's second book without mercy. It defends the truthfulness of Hennepin's alleged voyage down the Mississippi, asserting that the distance was only three hundred leagues, and that the voyage could easily be made in thirty days. It also states that the account of La Salle's voyage, printed by Le Clercq, was stolen largely from a manuscript copy of Hennepin's description, which he (Hennepin) left with Father Le Roux at Quebec. There were liars in those days. If Hennepin was the writer of this preface, a defense of his reputation is hopeless.

excellent subject for study. The date of his death is not known, and the record of his life subsequent to the publication of the books which bear his name is a blank. It is not probable that he will prove to be a saint, for he was vain and ambitious, claiming for himself more importance in the expedition than his humble position of scribe and priest entitle him to; but it is not probable that he deserves the character assigned to him by modern historians—that of an idiot in deception and a monster in mendacity.

Of the French "Company of the West," organized in 1717, as a part of the financial scheme of John Law, we know but little, and need to know more. It brought into the Illinois country, under M. Pierre du Boisbriant, a large immigration of mechanics and laborers from France, of negroes from St. Domingo, some soldiers, and several military engineers. Agriculture after European methods was introduced, the lead mines were opened, and Fort Chartres was built, first of wood and then of cut-stone, making it the best-constructed and strongest fortification on the continent. Its ruins, once on the banks of the Mississippi, and now, from a change in the bed of the river, a mile away, inspire amazement that such a fort should have been built at that time and in such a place. It covered an area of four acres, and the nine buildings it inclosed were also of cut-stone, with windows furnished with iron shutters, hinges, and sashes.¹ The annals of Fort Chartres and its early surroundings will furnish another interesting subject for study.

The social condition of the early French and Canadian settlers in the Illinois country is by some writers represented to be of Arcadian simplicity and innocence. Other writers give them a very different character. It would be well if we knew more of their actual social condition.

We have no life of George Rogers Clark, or full history of the stirring events in which he was an actor. The notices

¹ New York Colonial Docs., X., 1162.

of his life which have appeared in print are full of inaccuracies. His own manuscripts and much other material concerning his life are in the possession of an eminent student of Western history residing at Madison, Wis. The "Calendar of Virginia State Papers," and "Haldimand Collection" at Ottawa, bring out many facts supplementing his own printed reports. In the "Haldimand Collection" is the official report of Henry Hamilton, Governor of Detroit, on his campaign and his capture by Col. Clark at Vincennes, Ind., in 1779. This report gives us, from the British standpoint, the facts we have needed concerning that important event. On the whole it confirms the accuracy of Clark's several narratives. Clark regarded Hamilton as responsible for the inhumanities committed upon the Western settlers by the Indian scalping parties sent out from Detroit; and hence Clark called him "the Hair-buying General," and treated him with great severity. The governor and council of Virginia held similar views of Hamilton, and treated him in like manner during the two years he was their prisoner. Hamilton in his report defends himself from the charge. He admits that he sent out the Indian parties; but states that he was very careful to give the savages instructions not to scalp their captives; and he was confident that they obeyed his instructions, because some prisoners were brought in. He states that he engaged in this sort of warfare with great reluctance, and then only on Lord George Germain's positive instructions.¹

The story of the butcheries practised upon the Western settlements, during the Revolutionary war, by Indian scouting parties sent out from Detroit, can hardly be exaggerated. To avenge these inhumanities was a leading motive of Clark and his men in making that winter campaign against the "Hair-buying General" at Vincennes. The policy of the British government in its conduct of the war in the West is a subject which will repay investigation; and Gov. Hamilton's defense and his scheme of giving wild savages Sunday-

¹ The report of Gov. Hamilton is printed in Michigan Pioneer Collections, IX., pp. 489-516.

school instruction in the humanities, can then be considered. What those many gross of "red-handled scalping-knives"¹ were for, which regularly appeared in the official requisitions of merchandise wanted at Detroit, can then be explained.

For nearly a century the origin and history of the Ordinance of 1787 were veiled in obscurity, and the most conflicting statements were made concerning them. During the past twelve years the tangled threads have been unraveled, and the subject has been a prominent theme with all general writers on the Northwest. The main facts concerning it are now well established—that it was drafted as a part of the scheme devised by the Ohio Company of Associates, formed in Massachusetts, for buying and settling a large tract of land in Ohio on the Muskingum river; and that it was enacted by the unanimous vote of Congress in furtherance of that scheme. As Dr. Manasseh Cutler was the director of the company, who, with a sagacity and ability unsurpassed, conducted this business before Congress, and made the land purchase, the main credit of the enactment of the Ordinance and of its beneficent results have been generally awarded to him. He was entitled to great praise; but to his associate directors, Gen. Rufus Putnam and Samuel Holden Parsons, and to prominent members of Congress—a majority of them Southern members—a large share of the honor is due. The authorship of the Ordinance has been earnestly discussed by some of the recent writers, and they have attempted to fix it upon some individual. No one, I think, in the present state of the investigations, can be regarded as its author. It came from a committee, and what occurred in the sessions of that committee is not known. The scribe of the committee was Nathan Dane, and if the manuscript of the final draft, which is now lost, could be found, it would probably appear in his handwriting. The manuscript of the sixth article of compact—the article prohibiting slavery in the Northwestern

¹ Farmer's "History of Detroit," pp. 246, 247.

Territory and States—is extant, and is in his handwriting. Mr. Webster asserted, in 1830, that Mr. Dane was the author of the ordinance. Mr. Dane in a letter to Rufus King, written three days after its passage, stated that he “drew it”; and on four occasions¹ from thirty-seven to forty-four years later, when all the persons associated with him in 1787 had passed away, and his memory had failed, claimed for himself the whole credit of the Ordinance. On this statement it is easy to assume that Mr. Dane was its author. Other facts, however, are not in harmony with this conclusion.

The handwriting of the committee's draft would not show the authorship of the Ordinance, or of the principles and measures contained in it. The draft, under instructions, might have been written by a clerk; and the main features may have originated with any member of the committee, or been furnished from some outside source. Mr. Dane's record does not favor the theory that the Ordinance was his.

As a Massachusetts delegate he was not in sympathy with the scheme of Western settlement, and was not in intimate relations with the promoters of the Ohio Company, although they were Massachusetts men. The directors expected nothing from the Massachusetts delegates, and worked independently of them. Gen. Rufus Putnam, writing to Gen. Washington (who gave the Ohio Company his earnest support), said that he could not bring these matters to the notice of the Massachusetts delegates, as they had lands of their own for sale; “and I dare not,” he adds, “trust myself with any of the New York delegates with whom I am acquainted, because that government is wisely inviting the Eastern people to settle in that State.”² The directors of the company looked to Virginia and the Southern States for the support they needed, and

¹ In his “Abridgment of Am. Law,” 1824. VII., pp. 389, 390; IX. (1830), Appendix pp. 74-76; in letter to Daniel Webster, March 26, 1830, *Mass. Hist. Soc. Proceedings*, 1867-69, p. 475; and in letter to Indiana Hist. Soc., May 12, 1831, printed in *New York Tribune*, June 18, 1875.

² *Life of Dr. Cutler*, I., p. 176.

there they found it. Mr. Dane was the delegate from Dr. Cutler's own district in Massachusetts, and was born in the parish where Dr. Cutler preached; but the Doctor did not take him into his confidence. When preparing for his visit to Congress, he looked elsewhere for introductions, and procured letters from Gov. Bowdoin, President Willard, of Harvard College, and other personal friends. Six days after the enactment of the Ordinance, and while the land purchase was under consideration, the Doctor made in his journal an inventory of his supporters among the delegates in Congress, and of those from whom he expected opposition. In the list appears this sentence: "Holton" (who was a delegate from his own county in Massachusetts), "Holton, I think, can be trusted. Dane must be carefully watched, notwithstanding his professions."¹

The subject of an Ordinance for the Northwestern Territory had been before Congress for more than three years, had been much debated, and many schemes proposed had failed. On September 19, 1786, Mr. Dane was placed on a committee to draft such an ordinance. Here was the opportunity for him to have won such renown as an ordinance-maker as would be unquestioned. The committee reported April 26, 1787 an ordinance which had no prohibition of slavery, no articles of compact, nor any of the provisions which have made the Ordinance of 1787 so memorable. The draft of April 26th probably embodied Mr. Dane's opinions and policy at that time. It took its first and second readings, and was before Congress for its third reading and enactment when Dr. Cutler arrived in New York on the afternoon of Thursday, July 5th. On Friday, July 6th, Dr. Cutler began his work; and by the following Friday, July 13th, the draft of April 26th had been laid aside; another committee had been chosen to prepare a new Ordinance; the committee had reported; the new draft had taken its three readings on three successive days, and had been enacted by the unanimous vote of all the States. Such rapidity of action arrests attention, and demands an

¹ *Life of Dr. Cutler*, I., p. 294.

explanation. It is not only unique in the annals of American legislation, but the Ordinance enacted was radically unlike any of the drafts which had preceded it, and had a foresight and political sagacity which has challenged the admiration of statesmen, and yielded the most beneficent results.

Is it possible that the new Ordinance was devised and drafted in about one day,—on the refined and complicated plan so elaborately explained by him many years later,—by one who had shown such indifference to, and lack of knowledge on, the subject, as had Mr. Dane? In his letter to Rufus King, written three days later, while stating that he “drew it,” he spoke of it apologetically as a piece of patchwork hastily got up. Its statesmanship, of which nearly a half century later he was so proud, he was then wholly unconscious of. Dr. Cutler might have told us in his journal how this rapid action came about, and who was especially entitled to the credit; but he did not, and the facts have not come to light from any other source. The new committee to prepare the Ordinance was appointed on Monday, July 9th, and the sessions began at 11 o'clock, A.M. On Tuesday the draft was so far completed that it was referred to Dr. Cutler for amendments, and was returned by him to the committee in the afternoon. On Wednesday it was reported to Congress and printed without the anti-slavery article. On Thursday it took its second reading, was amended, and the sixth article prohibiting slavery restored; and on Friday, July 13th, it took its third reading, and was enacted.

Dr. Cutler's journal accounts for every moment of his time after he had arrived in New York, and shows that he could not have drafted the Ordinance there. On Sunday, the only day of leisure he had, he attended divine service three times, dined with Sir John Temple, the British Consul-General, in company with other guests, ate a heavy English dinner, and took tea with Ebenezer Hazard, the Treasurer of Congress. On Monday and Tuesday, however, he had three conferences with “the committee,” just before, and while the final draft was in consideration. His record on

Monday is: "Attended the committee before Congress opened, and then spent the remainder of the forenoon with Mr. Hutchins,"¹ the Geographer of the United States. The committee on the Ordinance was not appointed until later on the same day. "The committee" of which he speaks must, therefore, have been the committee on the land purchase, appointed May 9th (on the petition then presented by Gen. Parsons), and consisting of Mr. Carrington and Mr. Madison of Virginia, Mr. King and Mr. Dane of Massachusetts, and Mr. Benson of New York. Three of these gentlemen, on July 9th, were not in the city, and hence there was no quorum. Mr. Madison and Mr. King were members of the Constitutional Convention then in session at Philadelphia, and Mr. Benson was not present at any session of Congress after May 10th, during the year. Mr. Carrington and Mr. Dane, the remaining members, were a quorum for conversation, if not for business; and, with Richard Henry Lee of Virginia, Mr. Kean of South Carolina, and Melancthon Smith of New York, were put on the committee appointed that day for drafting an Ordinance. Later in the day Dr. Cutler had a second conference with "the committee," which was probably the Ordinance Committee just appointed. He dined on Monday with Dr. Rogers, pastor of the new brick Presbyterian church, in company with six other clergymen. Knowing from his morning interview with the committee what business was before Congress, he was nervous, perhaps anxious, and left the table hurriedly. "It was with reluctance," he wrote in his journal, "that I took leave of this agreeable and social company of clergymen; but my business rendered it necessary. Attended the committee at Congress Chamber."

On the morning of Tuesday the 10th, he had a third conference with the committee, and later dined with Col. Duer, in company with Mr. Osgood, President of the Board of Treasury, Major Sargent, and several other gentleman. The anxiety about *business*, which caused him to hurry away from the dinner-table the day before, had disappeared,

¹ *Ibid.*, I., 236.

and well it might, for he had in his pocket the draft of the Ordinance which was to be reported to Congress the next day, and which the committee had submitted to him for amendments. He was happy, and entered with zest upon the full enjoyment of the feast. With courteous pleasantry he compliments "Lady Kitty," the wife of Col. Duer (who was the daughter of Lord Sterling) and comments sportively concerning the other guests. "Col. Duer," he says, "is Secretary of the Board of Treasury, and lives in the style of a nobleman. I presume he had not less than fifteen sorts of wine at dinner and after the cloth was removed; besides most excellent bottled cider, porter, and several kinds of strong beer." The good Doctor was deceived by the bottled cider with ice in it, "supposing it was a species of liquor I had never before tasted."

These lively comments on the social life in New York at the time we could have spared, if he had told us something about the business done and conversation held at the three conferences with the committee on Monday and Tuesday, of which he gives not the least intimation. All business in and with Congress was then done in secrecy. It was regarded as a breach of faith to speak or write about matters which had not been officially promulgated.

Immediately following the description of the dinner at Col. Duer's house is this paragraph:

"As Congress was now engaged in settling the form of government for the Federal Territory, for which a bill had been prepared, and a copy sent to me, with leave to make remarks and propose amendments, and which I had taken the liberty to remark upon, and to propose several amendments, I thought this the most favorable opportunity to go on to Philadelphia. Accordingly, after I had returned the bill with my observations, I set out at seven o'clock, and crossed North River to Paulus Hook."¹

Would Dr. Cutler have left for Philadelphia at that time if the draft of the Ordinance which had passed through his hands had not been satisfactory to him? and if, knowing

¹ *Ibid.* I., 242.

the disposition of the committee and of Congress, he had not been confident that it would contain the article prohibiting slavery? Mr. Dane, in his letter to Mr. King, said, that in reporting the Ordinance to Congress the next day: "I omitted the sixth article prohibiting slavery, as only Massachusetts of the Eastern States was present; but finding the house favorably disposed on the subject, after we had completed the other parts, I moved the article, which was agreed to without opposition."¹ The omission of the sixth article, obviously agreed upon in committee, shows how little he knew of the temper of Congress, and his lack of interest in the subject. It tends to confirm the suspicions of him which Dr. Cutler had expressed. On the ground that the sixth article of compact was restored to the Ordinance by his motion on the second reading of the bill, he claimed in his later years the whole credit of keeping slavery out of the Northwestern States²; and stated that search being made for the amendment which included the sixth article, it had been found in Mr. Dane's handwriting.³

In view of its sagacity and foresight, its adaptation for the purpose it was to accomplish, and the rapidity with which it was carried through Congress, the most reasonable explanation, as it seems to me, of the origin of the Ordinance is, that it was brought from Massachusetts by Dr. Cutler, with its principles and main features developed; that it was laid before the land committee of Congress, on July 9th, as a *sine qua non* in the proposed land purchase; and that the only work of the Ordinance Committee was to put it in a form suitable for enactment. The original draft may have been made by either of the eminent men who were the directors of the Ohio Company—Rufus Putnam, Manasseh Cutler, or Samuel Holden Parsons; but, more likely, was their joint production. Dr. Cutler says that on the day he left Boston, he met Gen. Putnam, and "settled the principles on which I am to contract with Congress for lands, on ac-

¹ *New York Tribune*, Feb. 28, 1855; "Life of Dr. Cutler," I., 372.

² *Mass. Hist. Soc. Proceedings*, 1867-69, p. 478; Dane's Abridg., IX. Appendix, p. 76.

³ See Frontispiece.

count of the Ohio Company." In passing through Middletown, Conn., on his way to New York, he spent one day with Gen. Parsons, and says in his journal: "It was nine o'clock this morning before Gen. Parsons and I had settled all our matters with respect to my business with Congress." They were the persons most interested in the enactment of such an Ordinance; and without it their scheme of Western settlement would have failed. The New England emigrants must feel that they were taking with them to the Northwest their own laws and institutions. Hence the draft was made largely from the Massachusetts Constitution of 1780, which these settlers had helped to frame. By this Constitution slavery was abolished, personal rights secured, institutions of religion and education fostered, and the most advanced principles in the settlement of estates and the administration of justice established. Mr. Dane, as the Massachusetts member of the committee and most familiar with its laws, was the person to whom the duty of writing the final draft, and reporting it to Congress, would naturally be assigned.

The formation of a new State in the Northwest by a large organized emigration from the East had been a favorite project among the people of New England since the peace of 1783. Col. Timothy Pickering formulated the details of such a scheme. One of its provisions was as follows: "That a Constitution for the new State be formed by the members of the Association, previous to their beginning the settlement; . . . the total exclusion of slavery from the State to form an essential and irrevocable part of the Constitution."¹

On the second topic which I proposed to consider, namely: The sources of, and facilities for the study of Northwestern history, I will first call attention to the collection of original documents in the Canadian Archives at Ottawa, Canada, under the care of our associate, Mr. Brymner, whom we have with us, and who later in our sessions will speak to us concerning the collection.

¹ "Life of Pickering," I., 548.

A large portion of these documents relate to the early history of the Northwest, then a part of Canada. Some of them have been used by Mr. Parkman; but, as a collection, it is little known to writers on Western history. It covers the period from the earliest settlement of Canada to recent dates, and is especially rich in documents of the last century relating to the Northwest, in reference to which our National and State archives are very weak.

The intelligence with which these documents have been collected, arranged, and calendared in print, is most creditable to the Canadian government, and to its accomplished archivist. Mr. Brymner has printed ten annual reports, comprising twenty-six hundred pages of descriptive lists of these documents.

The "Bouquet Papers," from 1757 to 1765, in thirty volumes, and the "Haldimand Papers," from 1758 to 1785, in 232 volumes, are among the most interesting in the collection. Col. Henry Bouquet was the ablest and most brilliant British commander in the French and Indian war, and the hero of the battle of Bushy Run. His life has never been written, and here is the material for the work.

Sir Frederick Haldimand came to America as lieutenant-colonel in 1757; was in Amherst's army at the capture of Montreal; was in the French and Indian war; had command in Florida in 1767; and in June, 1778, succeeded Sir Guy Carleton as governor and commander-in-chief of the Province of Quebec, which then took in the whole Northwestern Territory. He held the position until November, 1784. Every thing which occurred in the Northwest during his administration appears in reports to, or letters from, his head-quarters. His officers at Detroit, St. Josephs, Sandusky, Vincennes, Michilimacinac, Kaskaskia, and other Western posts, reported to him the current news and rumors of the day. The papers cover the whole period of the Revolutionary war.

After a custom of the time, which has now happily passed away, these invaluable papers were regarded as the private property of Gen. Haldimand; but in 1857 they were pre-

sented by his family to the British Museum. The Canadian government has been at the expense of copying, arranging, and printing a calendared list of them for the use of historical students. Our government, when it has made suitable provision for its own archives, should show a similar enterprise, copy them, and print those which relate to the United States. The State of Michigan, in the "Collections of the Pioneer Society," has begun the printing of such of the Haldimand papers as relate especially to the history of that State. The papers printed, however, relate quite as much to the whole Northwest as to Michigan. The entire collection ought to be printed by the United States government; or, if that cannot be done, by joint appropriations of all the Northwestern States.

On February 24, 1779, Gov. Hamilton, of Detroit, as has already been stated, surrendered himself prisoner of war to Col. George Rogers Clark, with Fort Sackville and its garrison—a victory which completed the capture of the Northwestern Territory from Great Britain. On that day Col. Clark wrote to Patrick Henry, Governor of Virginia, a despatch describing his painful winter march across the flooded prairies from Kaskaskia, the storming of the fort, and the victory. The letter he sent off by a messenger to Williamsburg. The messenger was waylaid by Indians and killed, and the despatch was supposed to be lost. Two months later, when he heard of the killing of his messenger, Col. Clark made another report to the governor, from Kaskaskia. The first despatch, having been lost for more than a century, comes to light in the Haldimand Collection,¹ with nine other letters captured at the same time. This precious document, giving details of the campaign and surrender which are nowhere else to be found, has never been printed; and, so far as I am aware, has never been used, except in a brief summary. To which one of the States appertains the duty of printing such documents as these? It is clearly the duty of the United States.

¹ Brymner's Report for 1882, p. 27.

In the Department of State are many collections of public and private papers which would throw much light on Northwestern history, and that of the whole country, if they were made accessible to historical students. Among these are the papers of the old Continental Congress, the Washington, Franklin, Hamilton, Jefferson, Madison, and Monroe papers. Several of these collections have been bought by the government at a large cost. They are not generally arranged nor indexed. Some of the manuscripts are decaying, and are so faded as to be almost illegible. "The great and unique value of these papers," says the present Secretary of State, "and the risk involved in exposing them for examination, have been such as to preclude any arrangement by which ready access to them could be granted to all comers; while the clerical force of the Department is inadequate to respond fully to the many requests upon it for copies." Appreciating the importance of having these papers accessible, the Secretary has issued a circular to historical students stating that he had planned a scheme for their full and complete publication, and has asked for coöperation and support in his application to Congress for the means to accomplish it.

The Secretary of State has not brought his scheme to the attention of Congress, and hence we are not informed as to its scope and details. Important as is the object mentioned by the Secretary, the government should do something more. It should establish a separate and permanent "Department of Archives," or "State Paper Office," such as the other great nations possess. The State Department in its organization, tenure of office, number and training of its employés, and space assigned to it, is not equipped for managing a "Department of Archives." The general oversight of such a department would naturally fall to the Secretary of State; but the practical duties must be under the charge of trained experts not subject to removal with every change of administration.

The State Department has in its possession many valuable papers; but, as a collection of National Archives, it is

very meagre. The establishment of a "Department of Archives" would make this fact apparent, and stimulate the government to make it more extensive. Secretary Frelinghuysen, in commenting on the deficiencies of the historical records in the State Department, has said: "The inadequacy of the archives in my custody to represent the entire history of the establishment of this government has been remarked by every distinguished writer or student who has had access to them."

In connection with the papers of the Continental Congress in the State Department, it may be mentioned as a singular fact, as well as embarrassment to historical students, that the printed Journals of the Continental Congress are not what they purport to be; but are selections, made by the old Secretary, Charles Thomson, on some capricious and incomprehensible principle, from the business done by the old Congress. Legislation on matters of the highest importance is as likely to be left out, as that on trivial subjects.¹ There is a chance of finding the missing records among the loose Continental papers in the State Department; or in another publication called "Se-

¹ The following instances, all relating to a single subject—an Ordinance for the Organization of the Northwestern Territory—will show the character of the omissions: There is no mention in the Journals of a report made by the grand committee of the House on the 24th of March, 1786; nor of a report made by another committee, of which Mr. Monroe was chairman, on the 10th of May, 1786; nor of the appointment of another committee to propose a plan, on the 19th of September, of which Mr. Johnson, of Connecticut, was chairman; nor of the report of this committee made on the 26th of April, 1787. No mention is made in the Journals of the fact that on the 9th of July, 1787, another committee, of which Mr. Carrington of Virginia was chairman, was appointed to prepare an ordinance, who two days later reported the actual Ordinance of 1787, which was enacted two days still later. The fact that the sixth article of compact prohibiting slavery, which had been omitted in reporting the bill, was restored on the 12th of July, is omitted.

Coming down a week later to the Ohio land purchase, the Journals make no mention of a bill which Congress passed on July 19th, and which Dr. Cutler rejected; nor of another bill which Congress passed on July 23d, and was also rejected by him. July 27th, still another bill, on terms which Dr. Cutler dictated was passed, was accepted by him, and the contract was ratified; but the Journal for that day makes no mention of these facts. As if, however, by an afterthought, the matter was inserted in the appendix of the volume.

cret Journals of Congress"; or in still another, "Debates in the Congress of the Confederation," among the "Thomson Papers," printed in the New York Historical Society's Collections, for 1878. It is impossible, from the incompleteness of the printed Journals of the old Congress, to trace thoroughly any matter of public business. *On a day when it is known, from other sources, that important business was done, the record in the Journals is barely this, and nothing more: "Congress assembled; present as yesterday." A new and revised edition of the Journals of the Continental Congress is greatly needed for the historical study of that period. The omissions can largely be supplied from the Continental papers in the State Department, and from other sources.

The several Secretaries of State since 1880—Mr. Evarts, Mr. Frelinghuysen, and Mr. Bayard—have called the attention of Congress to the fact that the public and private archives of Europe contain manuscripts of the highest interest to our country, of which no copies, calendars, or descriptive catalogues have ever been made. It is also well known that Mr. B. F. Stevens, an American, and officer of the State Department, residing in London, has for many years been engaged in searching the archives of Great Britain, France, Holland, and Spain, by special favor of their custodians—granted by reason of his official relations with our State Department—has made an index and descriptive calendar, and in many instances *fac-simile* transcripts, of more than one hundred thousand documents relating to American history. They are chiefly between the dates of the treaty of Paris, in 1763, and the treaty between Great Britain and the United States, in 1783—the interesting period of our country's evolution from colonial dependence to State and National sovereignty. Every Secretary of State has warmly approved the work of Mr. Stevens, and has recommended that Congress make a suitable appropriation for the publication of calendared indexes or full transcripts of these hitherto inaccessible documents.

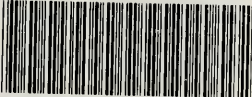
Nearly every historical society in the land, and many eminent individuals, have memorialized Congress for the same object. The Joint Committee on the Library, to whom the matter was referred in the second session of the 49th Congress, unanimously reported such a bill; and if it could have been reached in the pressure of business at the close of the session, it undoubtedly would have passed. The Joint Committee in their report to Congress said: "Restrictions upon the access to, and use of, most of this material are so rigorous, and the expense is so great, that hitherto only few and fragmentary portions of it have been copied, or otherwise made available for historic or even diplomatic use."

Mr. Stevens is still pursuing the work, and is maintaining at his own expense a well-trained staff of assistants and translators who are skilled in the obscure handwriting of old French, Dutch, and Spanish manuscripts. For this outlay of time and money he has had no other remuneration than the appreciating and friendly sympathy of the State Department and the gratitude of American students of history.

In the absence of an appropriation from Congress, he now proposes to issue to subscribers a limited edition of *fac-simile* transcripts of the more important documents in photo-lithography, with an English translation when the document originated in another language. A great government like ours should not require the students of its own history to supply themselves with this material at private expense. Something of the enterprise of the Canadian government should animate the Congress of the United States in the establishment and support of a "Department of Archives" which will be worthy of this Nation.



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